

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA**

UNITED STATES OF AMERICA

v.

SENTENCING MINUTES

ERIC NOE ARAUJO FLORES

Case No. 15-CR-320

HONORABLE LIAM O'GRADY presiding
Proceeding Held: June 3, 2016
Deputy Clerk: Amanda

Time Called: 10:07 a.m.
Time Concluded: 10:31 a.m.
Court Reporter: N. Linnell

Appearances:

UNITED STATES OF AMERICA by: Michael Frank
ERIC NOE ARAUJO FLORES in person and by: Joseph Conte
INTERPRETER: Angeles Estrada ☒ Interpreter Sworn

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- | | |
|---|---|
| <input checked="" type="checkbox"/> The parties have no objections to the factual statements in the PSR | <input checked="" type="checkbox"/> The parties have no objections to the application of the guidelines in the PSR |
| <input type="checkbox"/> Objections/corrections to factual statements in PSR by <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant | <input type="checkbox"/> Objections/corrections to application of guidelines by <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant |
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- | | |
|---|---|
| <input checked="" type="checkbox"/> The government presents sentencing argument: Recommends a sentence of 30 years. | <input checked="" type="checkbox"/> The defendant presents sentencing argument: Requests mandatory minimum of 10 years. |
| <input checked="" type="checkbox"/> Defendant exercises right of allocution. | <input checked="" type="checkbox"/> The court imposes sentence. |
| <input type="checkbox"/> The government dismisses count(s) _____. | <input checked="" type="checkbox"/> Defendant advised of appeal rights. |
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Sentencing Guidelines:

Offense Level:	40		
Criminal History:	I		
Imprisonment Range:	Cts. 1-4, 5 and 7 292 – 365 months	Ct. 9 Max. 20 years	Ct. 10 Max. 10 years
SR Range:	Cts. 1-9 5 years	Ct. 10 2 – 3 years	
Fine Range:	\$25,000.00 - \$250,000.00		
Restitution:	TBD		
Special Assessment:	\$900.00		

- Government files restitution order in open court and withdraws their notice of forfeiture
- Defendant does not challenge the government's restitution order

SENTENCE IMPOSED:

Imprisonment:	<u>300</u>	Months as to Count(s)	<u>1-7</u>	of the Indictment to run
	<u>240</u>		<u>9</u>	concurrently.
	<u>120</u>	Months as to Count(s)	<u>10</u>	of the Indictment to run
		Months as to Count(s)		concurrently.

Imprisonment term for each count to be served ☒ concurrently ☐ consecutively.

TOTAL TERM OF IMPRISONMENT IMPOSED: 25 years.

☐ This term of imprisonment is to be served (☐ concurrently with or ☐ consecutively to) any state court sentence the defendant is currently serving.

Probation: _____ Years as to Count(s) _____ of the ____.

Supervised Release:	<u>5</u>	Years as to Count(s)	<u>1-7</u>	of the Indictment.
	<u>5</u>	Years as to Count(s)	<u>9</u>	of the Indictment.
	<u>3</u>	Years as to Count(s)	<u>10</u>	of the Indictment.

MONETARY PENALTIES

Special Assessment: \$ 900.00 due immediately

Fine: \$ _____ ☒ fine waived

Restitution: \$ 40,370.00 ☒ interest waived

JOINT AND SEVERAL PAYMENTS

☐ Fine and/or ☐ Restitution is **joint and several** with _____.

☐ Repayment of Buy Money is **joint and several** with _____.

FORFEITURE

☐ All property forfeited upon conviction or by order of the court shall be included in the criminal judgment.

RECOMMENDATIONS

☐ The court recommends the defendant's placement at _____.

☐ The court recommends the defendant's participation in the Bureau of Prisons' 500-hour drug treatment program.

☐ Other: _____.

CUSTODY

☒ The defendant is remanded to the custody of the U.S. Marshal Service.

☐ The defendant is to voluntarily surrender at the institution designated by the Bureau of Prisons as notified by the U.S. Probation Office; ☐ on or after _____.

CONDITIONS OF SUPERVISED RELEASE/PROBATION

Mandatory Conditions

- ☒ Register as a Sex Offender

Special Conditions

- | | |
|---|--|
| <input type="checkbox"/> Drug Testing – Special Condition | <input type="checkbox"/> Home Confinement for _____ days |
| <input type="checkbox"/> Drug Testing – Standard Condition | <input type="checkbox"/> Home Confinement with Alcohol Testing for _____ days |
| <input type="checkbox"/> Drug Testing – Waived | <input type="checkbox"/> Community Correctional Center: _____ days |
| <input checked="" type="checkbox"/> Monthly Restitution Payment: of no less than \$ 50.00 | <input type="checkbox"/> Residential Re-Entry Center: _____ days |
| <input type="checkbox"/> Monthly Fine Payment: \$ _____ | <input checked="" type="checkbox"/> Cooperate with Bureau of Immigration/Customs |
| <input type="checkbox"/> Repay Buy Money – Total: \$ _____. | <input type="checkbox"/> Cooperate with IRS |
| <input type="checkbox"/> Repay Buy Money: \$ _____/month | <input type="checkbox"/> Cooperate with Child Support |
| <input type="checkbox"/> No New Lines of Credit | <input checked="" type="checkbox"/> Participate in mental health treatment program |
| <input checked="" type="checkbox"/> Financial Disclosure | <input checked="" type="checkbox"/> Participate in sex offender assessment/treatment |
| <input type="checkbox"/> Submit to search by USPO | <input checked="" type="checkbox"/> Waive confidentiality – sex offender treatment |
| <input type="checkbox"/> No tavern employment or patronization | <input type="checkbox"/> No sexually-explicit materials w/minors |
| <input type="checkbox"/> No employment with fiduciary responsibilities | <input type="checkbox"/> No possession/viewing of pornography or erotica |
| <input type="checkbox"/> No gambling | <input type="checkbox"/> Obtain GED or HSED |
| <input type="checkbox"/> No transfer of assets in excess of \$500.00 | <input checked="" type="checkbox"/> No contact – unrelated children under 18 |
| <input type="checkbox"/> No possession/use of computer – on-line access | <input checked="" type="checkbox"/> No contact with victim(s) or her family |
| <input type="checkbox"/> No possession/use of data encryption/erasure | <input type="checkbox"/> No contact with gang members |
| <input type="checkbox"/> Provide computer passwords and logons | <input type="checkbox"/> Perform community service: _____ hours |
| <input checked="" type="checkbox"/> Consent to search of electronic devices | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> No working/volunteering with juveniles | |